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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,889	12/28/2001	Peter Jordan	72.054	8807
7590	10/06/2003			EXAMINER LEE, SEUNG H
Timothy E Newholm Boyle Fredrickson Newholm Stein & Gratz 250 Plaza Suite 1030 250 East Wisconsin Avenue Milwaukee, WI 53202-4232			ART UNIT 2876	PAPER NUMBER
DATE MAILED: 10/06/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/019,889	JORDAN ET AL.
	Examiner	Art Unit
	Seung H Lee	2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
 Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11 July 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-10 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 11 July 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
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DETAILED ACTION

1. Receipt is acknowledged of the Amendment filed on 11 July 2003, which has been entered in the file.

Drawings

2. The drawings were received on 11 July 2003. These drawings are accepted.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 8, 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Berger et al. (US 6,105,874)(hereinafter referred to as 'Berger').

Berger teaches a dual mode data carrier serving as a type plate with an electronic storage device comprising a contact-bound interface (3) having an input (17) serving as a second input for receiving data via contacts array (5) and a power supply (VCC) via a contact (9) of the contact array in which the data carrier is communicating with a writing/reading device serving as a device through a contact-bound signal section (14) serving as a transmitter wherein the signals can be transmitted via contact array, and a contactless interface (4) having an input (21) serving as a first input and output (20) of data wireless using the transmission coil (18) and generating a power supply (VDD) (43) from the signal received in which the data carrier is communicating with the writing/reading device serving as machine through a contactless signal section (19) serving as a second transmitter wherein the signals are transmitted via the transmission coil, all inputs are connected, the data carrier having a memory means (26) such as a EEPROM and a RAM for storing data (see Figs. 1-3; col. 4, line 29- col. 12, line 25).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berger et al. (US 6,105,874)(hereinafter referred to as 'Berger') in view of Tuttle et al. (US 5,988,510, of record)(hereinafter referred to as 'Tuttle').

Berger teaches a dual mode data carrier serving as a machine having a type plate with an electronic storage device comprising a contact-bound interface having an input (17) serving as a first input for receiving data via contacts array (5) and a power supply (VCC) via a contact (9) of the contact array in which the data carrier is communicating with a writing/reading device through a contact-bound signal section (14) serving as a transmitter wherein the signals can be transmitted via contact array, and a contactless interface (4) having an input (21) serving as a second input and output (20) of data wireless using the transmission coil (18) and generating a power supply (VDD) (43) from the signal received in which the data carrier is communicating with the writing/reading device serving as a device through a contactless signal section (19) serving as a second transmitter wherein the signals are transmitted via the transmission coil, all inputs are connected, the data carrier having a memory means (26) such as a EEPROM and a RAM for storing data (see Figs. 1-3; col. 4, line 29- col. 12, line 25).

However, Berger fails to teach or fairly suggest that the IC card having written and/or graphical information on the IC card.

Tuttle teaches a smart card serving as the IC card including the written information (28) such as a card number, an expiration date, and a cardholder's name

regarding the particular smart card and/or graphical information (112) such as company logo and name (see Figs. 4 and 7; col. 5, lines 37-56; col. 7, lines 34-61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Tuttle to the teachings of Berger in order to provide an alternative method of approval means wherein the user(s)/operator(s) can enter the card number and the expiration date of particular card into card reader for authorizing the various transaction such as purchasing goods/services, etc. if interfaces (i.e., contacting interface for contact mode or non-contact interface for wireless mode) are malfunctioning. Moreover, such modification would enhance and protect the appearance the card by layering the transparent film.

Although, Berger as modified by Tuttle fairly suggest that the data carrier is receiving the signals from devices (i.e., receiving a first signal, a second signal, a third signal, a fourth signal from the external appliances or devices), however, it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8, in this case, Berger teaches that any write/read device can communicate with the data carrier wherein the write/read device is suitable for receiving/transmitting data via a contact mode and/or a contactless mode, and therefore an obvious expedient

Response to Arguments

7. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

In response to the applicant's argument that "*Saitoh does not disclose a machine operable to generate and transmit signals representative for operational data of the machine to the storage device of a type plate positioned on the machine.*" (see page 10, line 22+), the Examiner respectfully provides Berger reference wherein the Berger reference discloses a dual mode data carrier for receiving/transmitting data from the writing/reading device through contact mode and/or contactless mode as discussed in paragraph 6 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure;

Kreft [US 6,068,193] and Bashan et al. [US 6,045,043] discloses a contact/contactless data transmission card.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Seung H. Lee whose telephone number is (703) 308-5894. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax-phone number for this group is (703) 308-5841 or (703) 308-7722.

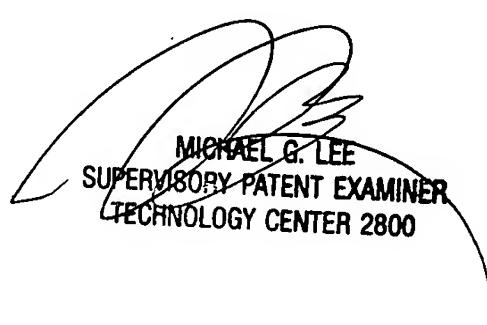
Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [\[michael.lee@uspto.gov\]](mailto:michael.lee@uspto.gov).

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Art Unit: 2876

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.


Seung H. Lee
Art Unit 2876
September 16, 2003


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800